

**TOWN OF DAVIE
REGULAR MEETING
JULY 7, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance which was led by Vice-Mayor Paul.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Town Administrator Willi, Town Counsel Parke, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the Open Public Meeting.

Leanne Sullivan, 13851 SW 26 Street, presented Council with a plaque in appreciation from the Florida High School Rodeo Association's rodeo held in January. She spoke of upcoming events.

John Pisula, 2973 SW 136 Avenue, requested clarification regarding political signs, as signs were being erected in advance of the 30-day limit. Mr. Willi stated that Code Compliance had contacted him on the course of action that it would be taking. He advised that Code Compliance would contact the owners of the signs to advise of the need for removal. Councilmember Starkey advised that the public should notify the Town Clerk's Office with the names of the individual's whose signs were being erected. Vice-Mayor Paul asked if this requirement included lawn signs on personal property. Mr. Willi responded that he was not aware of this requirement but he would have staff look into it. Councilmember Starkey indicated that the requirements for lawn signs should be the same as in the municipal race. Councilmember Crowley and Mayor Truex agreed.

Philip Busey, 837 SW 120 Way, spoke of the importance of voting in the upcoming primary elections on August 31st and November 2nd. He urged the public to volunteer during the elections.

Constance Young, 6650 Griffin Road, spoke about the origin of the Old Davie School and thanked Council, staff and Davie residents for their constant support of the school.

Art Waggenheim, 14922 SW 33 Street, spoke of his opposition to the airport expansion in addition to his concerns regarding the dangers along Shotgun Road. He asked Council what was being done to improve the conditions of the road. Vice-Mayor Paul indicated that she would work with the Police Department to expedite improvement.

John Parker, 1650 West Robbins Road Drive, thanked Vice-Mayor Paul and Councilmember Crowley for their support of a Charter Review Board. He urged the remaining Council to review the Charter and implement the process to reconvene the Board. Mr. Parker also spoke of inconsistencies in the process of electing the mayor.

June Connors, 1701 SW 127 Avenue, stated that homeowners were being plagued by unhealthy conditions at Lamar Properties and urged Council to take care of the situation prior to the sale of the property. She wished to be advised of all future site plans and asked that Council pay a visit to the site. Mayor Truex asked Mr. Willi to have Code Compliance look into the issue. Councilmember Starkey asked that staff handle the landscaping issue in regards to the Calvary Chapel fence. Mayor Truex indicated that he and staff felt that Calvary Chapel was in compliance regarding the landscaping issues. Development Services Director Mark Kutney agreed that staff would look into the existing conditions and Code compliance.

Kathy Tibbetts, 2730 Hiatus Road, spoke of her opposition to the conditions at the Calvary Chapel site and stated that noise complaints had been made to the Police Department; however, she had not received a response. She urged Council to address the landscaping issues and asked that the Town install trees and bushes along the Chapel site.

Karen Stenzel-Nowicki spoke of the Davie Land Trust and encouraged residents to volunteers for the Board, attend meetings and help support the program.

TOWN COUNCIL MINUTES

JULY 7, 2004

Norm Blanco, read a letter complimenting the Citizen's Police Academy. Vice-Mayor Paul and Councilmember Hubert also spoke of their involvement and gratitude in the program.

Mr. Willi advised that staff had requested that item 4.13 be tabled to August 18, 2004. Councilmember Starkey requested an update regarding the plan and mitigation.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table item 4.13. In a voice vote, all voted in favor. (Motion carried 5-0).

Mayor Truex asked about the addition of item 9.3. Town Clerk Muniz advised that Vice-Mayor Paul had requested a presentation by the Police Pension Board. He stated that the item was inadvertently left off the agenda.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to add item 9.3. In a voice vote, all voted in favor. (Motion carried 5-0).

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. April 2, 2004 (Goal Setting Session) (tabled from June 16, 2004)
- 4.2. April 2, 2004 (Workshop Meeting)
- 4.3. April 7, 2004 (Regular Meeting)

Home Occupational License

- 4.4. USTC, 4810 SW 57 Terrace

Resolutions

- 4.5. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING**
R-2004-149 THE BID AWARDED BY THE FLORIDA SHERIFF'S ASSOCIATION FOR VEHICLES AND EQUIPMENT. (Highland Tractor Company - \$110,632.18)
- 4.6. **RESTRICTIVE COVENANTS - A RESOLUTION OF THE TOWN OF DAVIE**
R-2004-150 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AND FILE A DECLARATION OF RESTRICTIVE COVENANTS FOR OPEN SPACE SITE OS-77, ALSO KNOWN AS MATH IGLER GROVE.
- 4.7. **LEGISLATION SUPPORT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2004-151 FLORIDA, SUPPORTING A PROVISION IN TRANSPORTATION REAUTHORIZATION LEGISLATION FOR MANDATED FIREWALLS PROTECTING STATE TRANSPORTATION TRUST FUNDS FROM BEING USED FOR PURPOSES OTHER THAN TRANSPORTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.8. **AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2004-152 AUTHORIZING THE SEVENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

TOWN COUNCIL MINUTES
JULY 7, 2004

- 4.9. **AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2004-153 AUTHORIZING THE EIGHTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT
- 4.10. **AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2004-154 AUTHORIZING THE NINTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT
- 4.11. **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2004-155 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 TO THE CONTRACT BETWEEN THE TOWN AND SOUTHEASTERN SEATING, INC. FOR THE REPLACEMENT OF BLEACHERS AT BERGERON RODEO GROUNDS.
- 4.12. **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2004-156 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 5 TO THE CONTRACT BETWEEN THE TOWN AND COASTAL CONTRACTING AND DEVELOPMENT, INC. FOR THE CONSTRUCTION OF THE FLEET MAINTENANCE GARAGE. (\$9,014.50 increase)
- 4.13. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE**
APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF OPEN SPACE SITE OS-76, ALSO KNOWN AS VAN KIRK, AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE.
- 4.14. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND NOB HILL COMMERCE CENTER LLC, FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO THE Z.A.S. PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 5-1-04, Indian Ridge Commerce Center, 10220 State Road 84)
- 4.15. **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2004-157 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE SHM PARCEL PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-04, 5800 Davie Road)

TOWN COUNCIL MINUTES
JULY 7, 2004

- 4.16. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2004-158 THE PLAT KNOWN AS MADISON LAKES II AND AUTHORIZING THE MAYOR AND
TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S
SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN
EFFECTIVE DATE. (P 11-1-03, 5050 SW 82 Avenue)
- 4.17. **NOMINATION SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-159 FLORIDA, SUPPORTING THE NOMINATION OF COMMISSIONER SAM GOLDSMITH
OF COCONUT CREEK FOR THE FLORIDA LEAGUE OF CITIES "E. HARRIS DREW
AWARD", WHICH IS PRESENTED ANNUALLY TO AN OUTSTANDING CITY
OFFICIAL.
- 4.18. **PAYMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-160 ACCEPTING \$18,916.80 FROM SAM JACK, INC. AS PAYMENT IN FULL OF THE
SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 9B,
AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.19. **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-161 APPROVING STIPULATION FOR SETTLEMENT AND JOINT MOTION FOR ORDER
DISMISSING WITH PREJUDICE ALL CLAIMS OF INJUNCTION PARTIES IN CASE
NUMBER 00-18394 (08) CACE, NOW PENDING IN BROWARD COUNTY CIRCUIT
COURT, AND PROVIDING FOR AN EFFECTIVE DATE.

Temporary Use Permit

- 4.20. TU 5-7-04, The Round Up, Ridge Plaza Shopping Center (annual motorcycle show)

Mayor Truex advised that staff requested that item 4.16 be removed from the Consent agenda. Vice-Mayor Paul requested that item 4.14 be removed. Councilmember Starkey requested that item 4.6 be removed. Councilmember Crowley requested that item 4.20 be removed. Mayor Truex requested that items 4.7 and 4.15 be removed.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the Consent agenda minus items 4.6, 4.7, 4.14, 4.15, 4.16, and 4.20. In a voice vote, all voted in favor. (Motion carried 5-0)

Claudette Bonnville spoke on behalf of Broward County Commissioner Lori Parrish regarding her political signs and stated that they were only being placed on yards and not on public property. She indicated that there was a Supreme Court ruling that allowed yard signs; only commercial properties were subject to the Town's 30 day requirement. Mayor Truex advised that staff was looking into this issue. Councilmember Starkey indicated that the rule regarding political signs pertained to all individuals and did not single out Commissioner Parrish.

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.6 Councilmember Starkey spoke about Math Iglar Grove and urged the public to call if they were interested in being involved in the project. Vice-Mayor Paul thanked Commissioner Parrish regarding the acquisition of the site and it was her discretionary funds that were used for the bond issue.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul to approve. In a voice vote, all voted in favor. (Motion carried 5-0).

TOWN COUNCIL MINUTES
JULY 7, 2004

4.7 Mayor Truex asked for an explanation regarding this item. Vice-Mayor Paul indicated that it was supporting the Transportation Equity Act which she explained.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Vice-Mayor Paul voiced her concern regarding traffic concurrency outside the Town. She had asked staff to address this with the County and felt the money needed to stay in the Town for Davie's traffic concerns. Councilmember Starkey was surprised that the County would approve \$25,000 for a traffic device at Broward Boulevard and Nob Hill Road when the Town had a number of locations where those funds could be used.

Vice-Mayor Paul indicated that the funds would be beneficial in the construction of an access road. Mayor Truex indicated that the Town would most likely be receiving the funds next year for the access road.

Vice-Mayor Paul asked Town Engineer Larry Peters if there was ever a time that a Cooper City or Plantation project funded a Davie project. Mr. Peters indicated that he knew of none. He stated that the County viewed this as a regional impact and therefore, they were allowed to ask for improvements within a two-mile radius.

Councilmember Starkey asked if the Town had a traffic device at either intersection off Nob Hill or Hiatus at the south or north ends. Mr. Peters stated that there was not such a device to his knowledge. Councilmember Starkey asked whether the funds could be used for any one of those four intersections. Mr. Willi indicated that it was the County's insistence on controlling land use authority within the Town. He recommended that Council table the item in order to send it back to the County asking the County to analyze closer traffic situations to meet the concurrency. Mr. Willi stated that a letter had been sent to the County Administrator with that request and he not received a response. He advised that if Council were to deny this action under quasi-judicial, substantial competent testimony for denial would be needed. He recommended that Council table the item and send it back to the County with strong language indicating that the Town had many issues where the money could be better used. Councilmember Starkey recommended that a letter be sent to the County that would reference the study done on the impacts in that area.

Mayor Truex requested that the developer be notified via certified mail to allow him to attend the meeting held on this issue.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul to table the item to August 18, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Mayor Truex indicated that the property had been rezoned from R-2 to RO and questioned why the area was not returned to R-2 classification if there was not going to be an office built. He felt that the current classification appeared to inadvertently create an increase in density.

Gus Khavanin, representing the applicant, indicated that the site had two zonings. One area along the west portion of the property (approximately 1-1/2 acre) was designated as R-5 and a small portion of the east side was used as R-2. He indicated that they were not requesting to increase the density, but only to classify the entire area as RO in order to develop eight townhomes.

Councilmember Hubert questioned why no commercial development was planned. Mr. Khavanin stated that there was no interest and there was a greater demand for townhomes.

Councilmember Crowley made a motion, seconded by Councilmember Starkey to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Planner Supervisor Marcie Nolan explained that the request was to amend the recommendation so that the plat amendment for Madison Lakes I and II would require them to bond and reconstruct 82nd Avenue within the limits of their plat. Vice-Mayor Paul felt that this was a reasonable request.

TOWN COUNCIL MINUTES
JULY 7, 2004

Development Services Director Mark Kutney felt that the condition was onerous because it required the developer to acquire right-of-way. Mayor Truex asked if the developer had agreed to that at the time. Mr. Kutney felt that the language was vague and thought that the developer may not have understood the prior language.

Councilmember Crowley made a motion, seconded by Councilmember Starkey to approve with the modifications. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Councilmember Crowley wanted to ensure that the applicant was aware of the six conditions, specifically, the condition for an off-duty police officer. Ms. Nolan acknowledged that the applicant was aware that he was to provide an off-duty officer.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 2004-21 **6.1. LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA 03-10, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCE/OFFICE" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LA 03-10, Lakeside Shops, 5800 South University Drive) (tabled from June 2, 2004) *Local Planning Agency recommended approval (Supermajority vote required)* {Approved on First Reading February 18, 2004 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve item 6.1.

As Councilmembers Hubert and Starkey were out of the room, Mayor Truex called for a recess which was reconvened upon their return.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0).

- 2004-22 **6.2. COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT) 04-1, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TEXT TO INCREASE THE MAXIMUM HEIGHT LIMIT FOR INDIVIDUAL STRUCTURES WITHIN THE REGIONAL ACTIVITY CENTER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Supermajority vote required) {Approved on First Reading June 2, 2004 all voted in favor with Mayor Truex dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul indicated that she had asked about the delay in transmission to the Department of Community Affairs (DCA) by adding the safe waterway issue to the comprehensive plan. She stated that the delay put the current grant applications in jeopardy by approximately five points. Vice-Mayor Paul felt that the Town needed to prepare an emergency ordinance in order to prevent loss of money. She indicated that the grant

TOWN COUNCIL MINUTES

JULY 7, 2004

writer had advised that the Town could lose \$3.4 million by not adopting this housekeeping amendment. Vice-Mayor Paul requested that Dr. Hanbury of Nova Southeastern University (NSU) use his lobbyists to lobby for the Town as efficiently as they do for their own purposes.

Mr. Willi stated that had the Town processed the amendment when first approved, it would have prevented NSU's comprehensive plan amendment from moving forward, as well as the Stiles amendment. He advised that the Town was not guaranteed the five points from DCA that Vice-Mayor Paul spoke about.

Vice-Mayor Paul felt that an emergency ordinance could be adopted more than two times per year. Mr. Kutney read a portion of the rules regarding emergency comprehensive plan amendment procedures. Mr. Willi pointed out that the three plan amendments involved had been discussed in three separate Council meetings and other briefings. Councilmember Starkey stated that Council had not been told that delays would potentially jeopardize the Town's grant applications.

Dr. Hanbury indicated that NSU had done nothing to delay action related to the Town in any way. He advised that he would be willing to do all that he could to assist the Town with their grant applications. He indicated that the only question put before DCA was with regard to the building height.

Vice-Mayor Paul requested that the Town Attorney's Office research her statements and verify the accuracy of her understanding of the Statutes. She requested that the Town Clerk's Office advertise the amendment for a second hearing as soon as possible, to avoid jeopardizing funds from the County and State. She also requested that NSU's lobbyists assist the Town with their grant applications.

Mr. Mele spoke of a rural lifestyle issue that was carried over into January 2004 which automatically counted as the Town's first amendment for 2004. He stated that this created a rush to finish the Stiles amendment adoption within the 60-day timeframe. Mr. Mele asked Council to go forward with this item as he felt it would not jeopardize the grant application.

Councilmember Hubert made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinance - First Reading (Second and Final Reading July 14, 2004)

6.3. **AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE CAPITAL PROJECTS FUND AND APPROPRIATIONS FOR THE FISCAL YEAR 2004.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item on July 14, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi-Judicial item

6.4. **VARIANCE** - V 4-1-04, G.L. Homes, 3683 Churchill Downs Drive (AG) (to reduce the side setbacks for a model home from 25 feet to 21.9 feet on both sides) *Planning and Zoning Board recommended approval with the stipulation that \$5,000 would be voluntarily contributed to the Open Space Program*

Mr. Parke read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the planning report and explained the nature of the variance.

TOWN COUNCIL MINUTES

JULY 7, 2004

Councilmember Starkey asked if she needed to abstain from voting as she lived in this development. Mr. Parke asked Councilmember Starkey if she had any personal benefit from this request. Councilmember Starkey responded no with Mr. Parke indicating that she could vote on the issue.

Councilmember Crowley indicated that he did not object to the variance but objected to the \$5,000 contribution. He added that he didn't like to see the Town accepting money.

Gladys DiGirolamo, representing GL Homes, explained that Model 6 was the most popular model and explained why the variance was necessary.

Vice-Mayor Paul felt this was a self-created hardship and that the \$5,000 contribution was simply an offer to "sweeten the pot". Mayor Truex agreed that the hardship was self-imposed and objected to the variance. Ms. DiGirolamo felt that granting of the variance would still meet the intent of the code.

Mr. Parke opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey disclosed that she had spoken with GL Homes.

Councilmember Hubert recommended that if Council granted the variance, the developer make a donation to a Davie charity with the funds.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve, subject to making a contribution to a Davie charity. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 3-2)

Vice-Mayor Paul spoke about complaints about debris and large rocks from the construction fill that endangered the public on the road. Ms. DiGirolamo indicated she would speak with the construction supervisor on this issue.

7. APPOINTMENTS

7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.2. Child Safety Board (two exclusive appointments - Councilmembers Crowley; one exclusive appointment - Councilmember Starkey and Mayor Truex;; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Crowley appointed Cynthia Frost.

7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

7.4. School Advisory Board (one exclusive appointment - Councilmember Hubert and Mayor Truex; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

Councilmember Hubert appointed Lisa Mustelier.

TOWN COUNCIL MINUTES
JULY 7, 2004

- 7.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Hubert and Mayor Truex; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.6. Site Plan Committee (one exclusive appointment - Councilmember Starkey and Vice-Mayor Paul; terms expire June 2005) (members must be residents of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer)

Vice-Mayor Paul appointed Julie Aitken. Councilmember Starkey appointed Bob Breslau.

- 7.7. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

Mayor Truex appointed Marlena Mosby.

8. OLD BUSINESS

There was no old business.

9. NEW BUSINESS

9.1. Public Participation

Earlier in the meeting, Vice-Mayor Paul spoke about a letter she received from Julie Aitken which recommended publication within the agenda that dealt with who may speak on what items so that residents were aware of their rights when attending a meeting. In the past, residents were permitted to pull and speak on Consent Agenda items. Vice-Mayor Paul stated that the letter addressed the fact that items were being placed on the agenda that were not posted on the website and did not allow public participation. She indicated that Ms. Aitken's letter questioned whether this violated the Sunshine Law. Vice-Mayor Paul felt that all site plans should be handled as quasi-judicial hearings and that by not doing this, the site plan could be challenged. She requested that the recommendations made by Ms. Aitken should be placed on a future agenda for a vote by Council.

Councilmember Hubert requested verification regarding the fact that any item brought to Council at the last minute, would not be discussed without being placed on the agenda. Vice-Mayor Paul stated that it was the right of the public to be properly notified in advance of any item to be discussed.

Julie Aitken, 3801 Flamingo Road, reiterated her recommendations in her letter regarding the public's rights to be able to discuss items on the Consent Agenda. Mayor Truex felt that some of Ms. Aitken's suggestions were valid and they should be incorporated in the agenda. He requested the opportunity to meet with Mr. Kiar to prepare a proposal to address the issues. Vice-Mayor Paul recommended that Ms. Aitken be in attendance at the meeting. Mayor Truex preferred to meet with Mr. Kiar alone. Councilmember Starkey felt that Mayor Truex ran a good meeting and trusted him to meet with Mr. Kiar to look into these issues. She advised that the Consent Agenda was for the purpose of moving things along as they were day to day business. Councilmember Starkey added that a resident could ask a Councilmember to pull any item for discussion. She stated that she was not in favor of having the public pull items from the Consent Agenda unless it went through a Councilmember.

Ms. Aitken spoke regarding her desire to meet with Mr. Kiar in order to represent the public. Mayor Truex suggested that he meet with Mr. Kiar prior to Ms. Aitken meeting with him. Vice-Mayor Paul suggested that she meet with Mr. Kiar and allow Ms. Aitken to join the meeting. Councilmember Starkey voiced her opposition to private meetings with Mr. Kiar and cited a similar experience with the Hobby Farm ordinance where she felt the rest of Council was left out of the loop.

TOWN COUNCIL MINUTES

JULY 7, 2004

Councilmember Crowley requested that staff research the procedures of other cities in this regard. Mayor Truex asked that this item be added to the agenda for the second meeting in August.

Karen Stenzel-Nowicki spoke of the Snyder decision and requested verification in reference to preventing the public from speaking regarding items that are site-specific. Mayor Truex asked that that issue be researched as well.

An unidentified man asked that something regarding the tabling rule be printed in the agenda to give the public the right to speak on those issues. Mayor Truex asked Mr. Kiar to research that issue as well.

9.2. Content for Airport Advisory Board Webpage

Councilmember Starkey spoke of various suggestions for links and items the public could connect to regarding research, reporting noise, contacting County Commissioners, and other related items. She stated that new members on the Board were very enthusiastic and wanted this action to be facilitated by Council.

Mayor Truex asked about setting up a new page. Mr. Willi indicated he was not sure if a new page could be set up. Councilmember Starkey indicated that items could be linked within a document and within the PowerPoint presentation. She suggested that a link be placed on the right side of the Town's website with an airplane icon with updated information on the airport issue.

Councilmember Hubert suggested having David Oakes assist with this action. Mr. Willi objected to having an outside entity have access to the Town's website. Councilmember Starkey indicated that Mr. Oakes would not need access for what was recommended. She stated that one recommendation was for Neil Macalily to send a request for information to the FAA on what information it had.

Mayor Truex asked if the Board had requested that the Town pay for two members to attend the NOISE conference being held in Dania Beach. Mr. Willi indicated staff had made the reservations and advised that the fee was \$295 per person. Councilmember Starkey advised that the Board had voted for George Egues and Debbie Chandler to attend. Council had no objections..

9.3. Town's Contribution to Police Pension Plan - Don Dulaney

Earlier in the meeting, Ed Taylor, Chair of the Police Pension Board, indicated that he was available to answer any questions that Council had. Vice-Mayor Paul voiced her concerns as to whether or not the pension report was turned into the Town in a timely manner so Town's audit would not be delayed. Pension Board Attorney Adam Levinson spoke of a letter dated June 11th indicating that the audit was approved by the Board on February 11th and was available to the Town in draft form prior to that date.

Vice-Mayor asked about the contribution rate increases. Mr. Levinson stated that during the current fiscal year, the Town had been underpaying its contribution. He advised that the Town was paying \$2.1 million which would increase to \$2.75 million and explained that payroll had increased 13% from last year. Mr. Levinson stated that the increase was to avoid a lump sum payment at the end of the year. He indicated that the projections would be available by January 1, 2005. Mr. Willi advised that the statement from the Board was received after the budget was set and the Town did not have the funds available. He stated that an ordinance would be prepared that would address the requirements to meet the State payment of premium tax funds to the Pension fund.

Mayor Truex asked why this item was on the agenda and felt that Administration was handling the issue. Mr. Willi indicated that it was important to keep Council advised.

Vice-Mayor Paul asked if the Fire Pension was being handled in the same manner as the Police Pension. Mr. Willi indicated in the affirmative.

Councilmember Crowley asked if Grau & Company had received documentation from staff to begin their audit. Assistant Budget and Finance Director Carol Menke indicated that they had sufficient information necessary to start the audit.

TOWN COUNCIL MINUTES
JULY 7, 2004

10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT

Fundraiser. Councilmember Hubert provided an update on the Lisa Strong fundraising event and on renovations to the Strong home.

COUNCILMEMBER CROWLEY

Meeting. Councilmember Crowley spoke of IKEA meetings held with residents and indicated that he wanted to attend one. He asked that the meetings be noticed.

COUNCILMEMBER STARKEY

IKEA. Councilmember Starkey objected to representatives of IKEA contacting residents and saying that they were requested by Councilmember Starkey to contact the residents individually.

Police/Fire Memorial. Councilmember Starkey spoke of the fundraising efforts for Police/Fire Memorial and advised the Town had raised \$635. She announced there would be another Davie night with the Florida Panthers at the second Panther game in November and a Disney on Ice Davie Day with the proceeds benefiting the Memorial.

VICE-MAYOR PAUL

Fundraiser. Vice-Mayor Paul spoke of the Lisa Strong family moving sale on July 10th. She read a letter from Marguerite Olsen regarding the efforts from various senior citizens to assist Ms. Strong.

Happy Birthday. Vice-Mayor Paul wished former Mayor Harry Venis a happy birthday.

Orange Park. Vice-Mayor Paul asked why the gates to the Orange Park play area were locked on the weekends. Mr. Willi indicated that he would speak to staff about this issue. Mayor Truex spoke of past problems with graffiti and suggested that might be why the gates were locked at certain times.

Vice-Mayor Paul asked Recreation Director Dennis Andresky, about the Orange Park gates that she spoke of earlier. Mr. Andresky advised that the basketball court would be opened again and that this was an oversight. Vice-Mayor Paul also asked if the large gate in front could also be opened for those residents who wished to use the parking for overflow parking. Mr. Andresky did not see a problem with this.

Contract. Vice-Mayor Paul wished to discuss the upcoming contract for hauling as she was aware of a raise in tipping fees.

Turnpike. Vice-Mayor Paul spoke of e-mails that she had received with regard to the noise related to construction work. Councilmember Starkey asked if Council should send a stronger message saying Council would not support the widening project until such time as the noise impact along the Turnpike was mitigated. Mayor Truex stated that this was stated in the resolution. Vice-Mayor Paul asked for a copy of this resolution to be posted again.

MAYOR TRUEX

Updates. Mayor Truex asked for an update on PAL and on the Parks and Recreation Board discussion for a dog park. Mayor Truex asked residents who wanted a dog park in Davie to participate in the discussion with the Parks and Recreation Board on July 12th

Agenda Items. Mayor Truex asked that all New Business items be granted approval by Council when requested by another Councilmember.

Trees. Councilmember Starkey spoke of surplus trees that homeowners associations and religious organizations could get from Replant Broward. She asked that people interested in getting trees contact their Homeowners Association and tell them to contact Replant Broward.

TOWN COUNCIL MINUTES
JULY 7, 2004

Budget. Vice-Mayor Paul asked about a budget calendar and requested a timetable for the budget calendar. Mr. Willi indicated he would be able to provide this information by the end of the month.

PAL. Councilmember Hubert wanted to have a discussion about a problem related to PAL at the first meeting in August. Mayor Truex recommended discussing this item under New Business for the August meeting.

July 14th Council Meeting. Councilmember Crowley indicated that he would be late to the July 14th meeting.

11. TOWN ADMINISTRATOR'S COMMENTS

Regional Dog Park. Mr. Willi spoke about a possible donation from the Town to the regional dog park to be constructed at Markham Park. He spoke of the merits of a one-time contribution to this park.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:33 p.m.

Approved _____

Mayor/Councilmember

Town Clerk